

DOCKET NO. UPN-3906

PATENT

TECH CENTER 1600/2900

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: David B. Weiner ,
Jong J. Kim, Donghui Zhang

Serial No.: 09/680,690

Group Art Unit: 1632

Filing Date: October 6, 2000

Examiner: Q. Li

For: CELL TARGETING COMPOSITIONS AND METHODS OF USING THE
SAME

EL531173407US

EXPRESS MAIL LABEL NO: EL531173407US

DATE OF DEPOSIT: February 1, 2002

Box ☐ NON-FEE

☐ AF

Assistant Commissioner for Patents
Washington DC 20231

Sir:

AMENDMENT TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ A Reply to the Office Action Dated November 5, 2001.
- ☐ An Amendment Supplemental to the Paper filed _____.
- ☐ Other: _____.
- ☒ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.

- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
- ☐ an Independent Inventor
 - ☐ a Small Business Concern
 - ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
- ☐ Substitute Pages _____ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ _____ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: _____
_____ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
 - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: _____.
- ☐ Other Material as follows: _____.

FEE CALCULATION

☐ No Additional Fee is Due.


				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	31	31 (20 MINIMUM)	0	\$9 EACH	\$0	\$18 EACH	\$
INDEP. CLAIMS	7	7 (3 MINIMUM)	0	\$42 EACH	\$0	\$84 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$0	\$280	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$
<input checked="" type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$200	\$200	\$400	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$460	\$	\$920	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$720	\$	\$1440	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$980	\$	\$1960	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$200		\$

- ☒ A Check is Enclosed in the Foregoing Amount Due.
- ☒ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of **November 5, 2001** to and through **February 5, 2002** comprising an extension of the shortened statutory period of **two (2)** month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

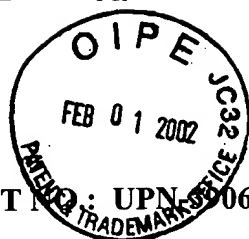
Date:

February 1, 2002
Mrj

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DOCKET NO.: UPN-0606

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **David B. Weiner et al.**

Serial No.: 09/680,690

Group Art Unit: 1632

Filed: **October 6, 2000**

Examiner: **Li, Q.**

For: **CELL TARGETING COMPOSITIONS AND METHODS OF USING THE SAME**

EXPRESS MAIL LABEL NO: EL531173407US
DATE OF DEPOSIT: February 1, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

REPLY

This reply is being filed in response to the Official Action dated November 5, 2001 for the above-identified patent application. The period to respond is extended by petition and payment of the appropriate fee provided herewith.

Claims 1-31 are in the application.

Claims 1-31 have been subject to a requirement for restriction.

Applicants provisionally elect Group I, claims 1-6 and 8-13, wherein the compound is a nucleic acid. This election is made with traverse.

Applicants respectfully point out that claim 1 is a generic claim directed at methods of delivering compounds to cells that express costimulatory molecules and is not limited to the two subgenuses, nucleic acids and proteins, for which the requirement for restriction has been made. Applicants urge that an election of species may have been appropriate. However, because claim 1 is a generic claim that embraces both groups identified by the Examiner as well as additional subject matter, the requirement for restriction should be reconsidered and withdrawn. If the requirement for

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SERIAL NO.: 09/680,690
FILED: OCTOBER 6, 2000

restriction is withdrawn and election of species is required, Applicants elect the nucleic acid as the elected species.

In the event that the requirement for restriction is maintained, Applicants elect Group I, claims 1-6 and 8-13, wherein the compound is a nucleic acid.

Applicants respectfully request that claims 1-31 be examined and allowed at this time.

Respectfully submitted,



Mark DeLuca
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Date: Feb 1, 2002

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